

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

1.	MARILYN ANN PHILLIPS,)	
)	
	Plaintiff,)	
)	
vs.)	Case No. 17-CV-547-JHP-JFJ
)	
2.	FARMERS INSURANCE)	
	COMPANY, INC.,)	
)	
	Defendant.)	

NOTICE OF REMOVAL BY
DEFENDANT FARMERS INSURANCE COMPANY, INC.

The Defendant, Farmers Insurance Company, Inc. ("FICO"), hereby notifies the Court of the removal of the captioned action, and, in support of its removal in this case, states as follows:

General Allegations

1. The above-entitled cause was commenced in the District Court of Tulsa County, State of Oklahoma, on August 28, 2017, and is pending in that Court. (Petition and Summons, attached hereto as Exhibit "1"). Farmers filed an Entry of Appearance on September 26, 2017 (Entry of Appearance as Exhibit "2").

2. This is a civil action in which the Plaintiff, Marilyn Ann Phillips, alleges that FICO owes her additional underinsured motorist insurance benefits as a result of an auto accident on August 27, 2012. In her prayer for relief, the Plaintiff requests a trial "so that a jury in Tulsa County can determine a fair and reasonable amount to pay Ms. Phillips under the terms of her contract with Farmers." (Exhibit "1").

Diversity Jurisdiction

3. This Court has original jurisdiction over this action by reason of the diversity of

citizenship of the parties, pursuant to 23 U.S.C.A. § 1332.

4. Complete diversity of citizenship exists in this case. The Plaintiff is a resident of Tulsa County. FICO is a foreign insurance company that is incorporated in the State of Kansas with its principal place of business in California.

5. The amount in controversy in this case, exclusive of interest and costs, exceeds Seventy Five Thousand Dollars and 00/100 (\$75,000.00). The Plaintiff's UM policy limits are \$1,000,000.00. (Petition, Ex. "1"). Ms. Phillips has demanded that FICO pay her an additional \$865,835.00, which is the remaining UM limits available under her policy. (Letter from Anthony Laizure, Exhibit. "3")¹. The amount in controversy requirement is satisfied in this case.

Removal Jurisdiction

6. This Court has removal jurisdiction over this case pursuant to 28 U.S.C. § 1441, et. seq., and all procedural requirements for removal are satisfied.

7. FICO is removing this case to this Court within one year of the commencement of this action.

8. Copies of all pleadings served on FICO are attached hereto as Exhibit "1".

WHEREFORE, Defendant Farmers Insurance Company, Inc. gives notice that the above-entitled action is hereby removed from the District Court of Tulsa County, State of Oklahoma to the United States District Court for the Northern District of Oklahoma.

¹ FICO has redacted portions of this letter, such as medical and settlement information, that are not relevant to the amount in controversy issue. FICO will provide an unredacted copy of this letter to the Court if requested.

Respectfully submitted,

TAYLOR, RYAN, MINTON & VAN
DALSEM, P.C.

s/Ashley M. Bibb

ROBERT TAYLOR - OBA #8879

NEIL D. VAN DALSEM - OBA #16326

ASHLEY M. BIBB - OBA # 17465

1080 Boulder Towers

1437 South Boulder Avenue

Tulsa, Oklahoma 74119-3640

(918) 749-5566 Telephone

(918) 749-9531 Facsimile

CERTIFICATE OF SERVICE

I, ASHLEY M. BIBB, hereby certify that on the 28th day of September, 2017, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Anthony M. Laizure

Laizure Law, PLLC

2120 E. 15th St.

Tulsa, OK 74104

TLaizure@LaizureLaw.com

s/Ashley M. Bibb

ASHLEY M. BIBB



DISTRICT COURT
FILED
 IN THE DISTRICT COURT OF TULSA COUNTY
 STATE OF OKLAHOMA
 AUG 28 2017

MARILYN ANN PHILLIPS,

Plaintiff,

v.

FARMERS INSURANCE
 COMPANY, INC.

Defendant.

DON NEWBERRY, Court Clerk
 STATE OF OKLA. TULSA COUNTY

CJ-2017-03411

DAMAN CANTRELL

PETITION

1. The Plaintiff Marilyn Phillips (Ms. Phillips) lives in Tulsa County, Oklahoma.
2. The Defendant is a corporation that does business in Tulsa County, Oklahoma.
3. The Plaintiff is a named insured under policies of automobile insurance issued by the Defendant that have total limits of \$1,000,000.00 for uninsured/underinsured motorist coverage.
4. On August 27, 2012, Ms. Phillips was rear ended in a traffic collision in Tulsa County. She had injuries to her shoulders and hands and other body parts. She has had surgery. She has incurred medical bills. She has endured physical and mental pain and suffering, loss of enjoyment of life, her injuries are permanent, her condition now is worse than it was before the collision. She may need medical treatment in the future.
5. Ms. Phillips settled with the other driver for policy limits. Ms. Phillips submitted a demand to Farmers to pay her "UM" benefits under the policy. Farmers got Ms. Phillips medical records; took her statement under oath; took the statement of one of her doctors under oath; attended mediation with Ms. Phillips and has made an unsatisfactory offer to settle Ms. Phillips' UM claim.

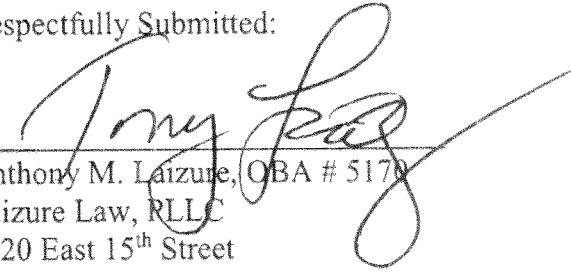
EXHIBIT

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WHEREFORE, Ms. Phillips requests a jury trial so that a jury in Tulsa County can determine a fair and reasonable amount to pay Ms. Phillips under the terms of her contract with Farmers.

Respectfully Submitted:

By:


Anthony M. Laizure, OBA # 5170
Laizure Law, PLLC
2120 East 15th Street
Tulsa, OK 74104
Phone: (918)749-0749
Fax: (918)518-7250
E-mail: TLaizure@LaizureLaw.com
Attorney for Plaintiff

Attorney Lien Claimed
Jury Trial Demanded

2736

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
SEP 05 2017
Legal Division

MARILYN ANN PHILLIPS,

Plaintiff,

v.

FARMERS INSURANCE
COMPANY, INC.

Defendant.

CJ-2017-03411
Case No.

DAMAN CANTRELL

SUMMONS

TO THE ABOVE-NAMED DEFENDANT:

Farmers Insurance Company, Inc.
Oklahoma Insurance Department
Five Corporate Plaza
3625 NW 56th Suite 100
Oklahoma City, OK 73112-4511

Doren E. Hohl

SEP 08 2017

SERVICE OF PROCESS

PETITION

TO BE SERVED BY CERTIFIED MAIL - RETURN RECEIPT
REQUESTED - RESTRICTED DELIVERY

Authorized by

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 28 day of 8

2017
DON NEWBERRY, Court Clerk

COURT CLERK

(SEAL)

BY:

DEPUTY COURT CLERK

Attorney for Plaintiff:

Anthony M. Laizure OBA No. 5170
LAIZURE LAW, PLLC
2120 East 15th Street
Tulsa, OK 74104
(918) 749-0749
(918) 518-7250 - Facsimile

This summons was served on _____ (date of service)

Signature of person serving Summons

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition attached to the following named defendants at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 2017, and receipt thereof on the dates shown:

Defendant - Name - Address
Farmers Insurance Company, Inc.
Oklahoma Insurance Department
Five Corporate Plaza
3625 NW 56th Suite 100
Oklahoma City, OK 73112-4511

Date Received:

Signature of person mailing summons

AFFIDAVIT OF SERVICE

I, _____, the undersigned, under oath, do say that I served this summons and made the return thereon, according to law that I am duly authorized to make this affidavit so help me God.

Signature

Subscribed to and sworn to before me this _____ day of _____, 2017.

Notary Public

My Commission Expires:

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

MARILYN ANN PHILLIPS,

Plaintiff,

vs.

FARMERS INSURANCE COMPANY,
INC.,

Defendant.

Case No. CJ-2017-03411

Judge Daman Cantrell

DISTRICT COURT
FILED

SEP 26 2017

ENTRY OF APPEARANCE

DON NEWBERRY, Court Clerk
STATE OF OKLA TULSA COUNTY

COMES NOW the Defendant, Farmers Insurance Company, Inc., by and through its attorney,
Robert Taylor of the law firm Taylor, Ryan, Mintont & Van Dalsem, P.C., and enters an appearance
and waives all objections to personal jurisdiction venue, service of process, capacity of Defendant
to be sued and requests twenty (20) days from answer date to answer as per 12 O. S. 2012.

Respectfully submitted,

TAYLOR, RYAN, MINTON, VAN DALSEM, P.C.

Robert Taylor by Ashley Bibb
ROBERT TAYLOR - OBA #8879
ASHLEY M. BIBB - OBA # 17465
1080 Boulder Towers
1437 South Boulder Avenue
Tulsa, Oklahoma 74119-3640
(918) 749-5566 Telephone
(918) 749-9531 Facsimile

EXHIBIT

tabbles

2

CERTIFICATE OF SERVICE

I, ROBERT TAYLOR, hereby certify that on the 26th day of September, 2017, I mailed a true and correct copy of the above and foregoing instrument with proper postage thereon fully prepaid to:

Anthony M. Laizure
Laizure Law, PLLC
2120 E. 15th St.
Tulsa, OK 74104

Robert Taylor
ROBERT TAYLOR



4

January 3, 2017

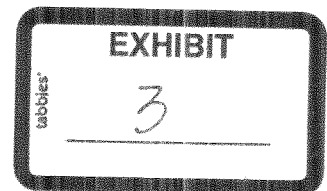
Neil D. Van Dalsem
1080 Boulder Towers
1437 S. Boulder Ave.
Tulsa, OK 74119

Re: Marilyn Phillips v. Farmers

Dear Neil:

I want to document the status of this case.

REDACTED



phone 918.749.0749
fax 918.518.7250
email TLaizure@LaizureLaw.com



website LaizureLaw.com | yourtulsalawyer.com
address 2120 East 15th Street
Tulsa, OK 74104

REDACTED

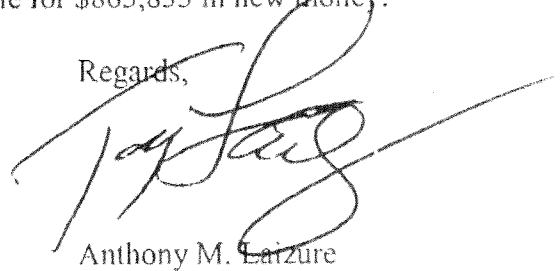
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REDACTED

Ms. Phillips renews her demand to settle for \$865,835 in new money.

Regards,

A handwritten signature in black ink, appearing to read 'Anthony M. Laizure', is written over the typed name. The signature is stylized with a large, looping 'A' and a long, sweeping horizontal stroke at the end.

Anthony M. Laizure

AML/am

enclosure